

1 Robert K. Hunter, Jr., WSBA #28909  
2 THE HUNTER LAW FIRM, PLLC  
3 645 Valley Mall Parkway, Suite 200  
4 East Wenatchee, WA 98802  
5 Telephone: (509) 663-2966  
6 Attorney for Plaintiff

HONORABLE SALVADOR MENDOZA, JR.

6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 JAN M. RENFROE,  
9 Plaintiff,  
10 v.  
11 QUALITY LOAN SERVICE CORP. OF  
12 WASHINGTON, et al,  
13 Defendants.

No. 2:17-cv-00194

**PLAINTIFF'S MOTION FOR LEAVE OF  
COURT TO AMEND HER COMPLAINT**

12/30/19  
Without oral argument

13 THE BANK OF NEW YORK MELLON as trustee on  
14 behalf of the CERTIFICATEHOLDERS OF THE  
15 CWHEQ, INC., CWHEQ Revolving Home Equity  
Loan Trust, Series 2006-C,  
16 Nominal Defendants.

17 COMES NOW Plaintiff Jan M. Renfroe pursuant to Fed.R.Civ.P. 15(a)(2) and moves the  
18 Court to enter an order granting leave to amend Renfroe's complaint to add facts to support  
19 her claims for Consumer Protection Act violations and quiet title. This motion complies with  
20 the Court's Scheduling Order. [ECF 106] The proposed complaint is marked Exhibit "A" to the  
21 accompanying Declaration of Robert K. Hunter, Jr. A redlined version is marked as Exhibit "B."  
22

23 DATED January 29, 2018.

24 By: s/ Robert K. Hunter, Jr.

25 Robert K. Hunter, Jr., WSBA #28909  
26 Attorney for the Plaintiff  
27 THE HUNTER LAW FIRM, PLLC  
28 645 Valley Mall Parkway, Suite 200  
East Wenatchee, WA 98802  
Telephone: (509) 663-2966  
Email: robert@hunter4law.com

**PLAINTIFF'S MOTION FOR LEAVE OF COURT TO  
AMEND HER COMPLAINT**

Page 1

**THE HUNTER LAW FIRM, PLLC**  
645 Valley Mall Parkway, Suite 200  
East Wenatchee, WA 98802  
(509) 663-2966

## I. FACTS

This case originated in Washington State Superior Court. [ECF No. 1-1] Plaintiff opposed its removal and argued that the presence of Defendant Quality Loan Service Corporation of Washington (QLS) defeated diversity jurisdiction; that QLS was not named nominally and allegations were asserted against it as a true defendant. [ECF No. 11] This Court ruled that QLS was a nominal defendant by virtue of its status as trustee and a Non-Participation Stipulation signed by plaintiff and QLS. The Court of Appeals affirmed that ruling. [ECF No. 100]

New facts came to light after filing the appeal that show Defendant Citibank, N.A. and QLS did not act in good faith. They filed the stipulation twice so as to fall within the 30 day deadline to seek removal. [ECF No. 1] These facts are asserted in the amended complaint that plaintiff seeks to file. [Hunter Decl. **Exh. “A,”** Para. 35]

Additional facts are added to the complaint to address the Court of Appeals ruling [Hunter Decl. Exh. A, Para. 34] That court remanded “for further consideration in light of *Merceri v. Bank of New York Mellon*, 434 P.3d 84 (Wash. Ct. App. 2018), *Cedar West Owners Ass’n v. Nationstar Mortgage, LLC*, 434 P.3d 554, 562 (Wash Ct. App. 2019), and any other relevant developments in Washington case law.” In this regards, plaintiff replaces facts pertaining to the promissory note with facts pertaining to the need of for a default notice that timely precedes the sale notice and reflects only the unexpired debt amount.

Other minor revisions were done to correct typographical and grammatical errors, which are evident in the redlined version at the Hunter Declaration **Exhibit “B.”**

## **II. LAW AND ANALYSIS**

This court may allow leave for amendment under Civil Rule 15. The rule states that “... a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” Fed.R.Civ.P. 15(a)(2). Courts have consistently interpreted the justice requirement to mean that the rule must be liberally applied.

### **III. CONCLUSION**

Plaintiff respectfully requests this Court to grant leave to allow plaintiff to file an Amended Complaint which is proposed and attached to the concurrently filed Declaration of Robert K. Hunter, Jr. as **Exhibit “A.”**

DATED this 29<sup>th</sup> day of November, 2019. s/ Robert K. Hunter, Jr.  
ROBERT K. HUNTER, JR. WSBA #28909  
Attorney for Plaintiff  
THE HUNTER LAW FIRM, PLLC  
645 Valley Mall Parkway, Suite 200  
East Wenatchee, WA 98802  
Telephone: (509) 663-2966  
Email: [robert@hunter4law.com](mailto:robert@hunter4law.com)

## **Certificate of Service**

I hereby certify that on November 29, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Daniel J. Gibbons, Joseph Ward McIntosh and Robert William McDonald.

DATED this 29<sup>th</sup> day of November, 2019.

s/ Robert K. Hunter, Jr.  
ROBERT K. HUNTER, JR. WSBA #28909  
Attorney for Plaintiff  
THE HUNTER LAW FIRM, PLLC  
645 Valley Mall Parkway, Suite 200  
East Wenatchee, WA 98802  
Telephone: (509) 663-2966  
Email: robert@hunter4law.com